

REMARKS/ARGUMENTS

Claims 1-6 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, claim 1 was rejected because it was unclear how “the client system” could inform the server unit of “a succeeding message is present” on the server unit. Claim 1 has been amended to correct a clerical error and to obviate the rejection. Specifically, as amended the client system includes “message acquisition requesting portion which informs the server unit of a succeeding message acquiring request, if a succeeding message is present.”

Further, regarding claim 3, the examiner indicated that “it is uncertain how can the server unit delete a message first and then transmit the same message again when it received request from client, i.e., where does the copy of the message come from.” It is respectfully submitted that the language of claim 1 does not require the server unit to transmit a message that has already been deleted. For example, claim 3 reads on a situation where the server unit is not instructed by the client delete a message (i.e. “the server unit holds the delivery message stored in the delivery message storing portion until its deletion is instructed by the client system”) and then retransmits the message when it receives another acquiring request from the client system. In other words, because the server unit “holds the delivery message” (and does not yet delete it) it becomes possible to retransmit the delivery message to the client system. For the above reasons, Applicants submit that claim 3 is sufficiently definite for purposes of 35 U.S.C. 112, second paragraph, and withdraw of the rejection is respectfully requested.

Claim 1 was provisionally rejected on grounds of obviousness-type double patenting over claims 1 and 6 of copending Application No. 09/622,656. Since the rejection is provisional, Applicant elects to defer addressing the rejection until which time that the claims are otherwise in a condition for allowance.

Claim 1 was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,314,454 to Wang et al. (hereinafter “Wang”) in view of U.S. Patent No. 6,175,858 to Bulfer et al. (hereinafter “Bulfer”). It appears for the detailed rejection that the Examiner intended to include claims 2-6 in the rejection, and therefore, for the purpose of this response, the rejection has been treated as applying to claims 1-6. Claim 1 has been amended to better distinguish the claim from the prior art. For the following reasons, the rejection is respectfully traversed.

With reference to amended claim 1, the cited combination of Wang and Bulfer does not teach, suggest, or otherwise render obvious “a client system acquiring a delivery message from a server unit by requesting to transmit the delivery message in the server unit in compliance with a notification which the server unit transmits to the client system *on the server unit’s own initiative.*” Claim 1 is now clearly directed to a “push” type email system and excludes a “pull” type system. The term “push,” as used herein, refers to an email system in which a server initially sends a trigger to a client unit, whereas the term “pull” refers to an email system in which the client unit initially sends a trigger to the server unit. As described in Wang at column 6, lines 45-55, at some point *receiving account 740 logs into server 340 and is notified that it has mail waiting.* However, as presently claimed, *the server unit transmits a notification to the client system on the server’s own initiative.* Wang clearly does not teach these

limitations, and thus the Examiner has relied upon Bulfer for teaching them. For the following reasons, Applicants respectfully submit that Bulfer does not teach the limitations as claimed.

Bulfer teaches a system for retrieving messages from multiple email accounts and combining them into a single mailbox. The system of Bulfer includes an agent (12) that notifies a user of new messages using a predetermined notification method (column 2, lines 49-51). Bulfer does not teach or suggest that the agent sends a notification to a client system, as in claim 1. In particular, Bulfer teaches that the agent (12) notifies the user that a new message has been received by "paging the user or calling the user at a designated number," (column 2, lines 52-53). This in no way suggests communication between the agent (12) and the user's mail client system.

In the system of Bulfer, the user cannot be considered a client system for purposes of claim 1, since the claim requires that the client system includes a portion which stores delivery message information received from the server unit and a portion which informs the server unit of a succeeding message acquiring request.

Further, even if the user's paging system or telephone system described in Bulfer were considered a client system, for purposes of claim 1, the Bulfer patent does not teach or suggest a telephone or a pager having capabilities that would all of the limitations of the client system set forth in the claim. Namely, neither the telephone or pager disclosed in Bulfer includes "a received message storing portion which stores a delivery message information received from the server unit, and an instruction and message acquisition requesting portion which informs the server unit of a succeeding message acquiring request, if a succeeding message is present, and a

process instructing request for the delivery message whose reception is completed when reception of the delivery message from the server unit is completed,” as required by claim 1.

Bulfer also teaches, as an alternative to paging or calling the user, that after the new messages are retrieved and deleted from the user’s mail server by the agent, the agent can then send a single message back to the user’s mail server informing the user that new messages have been received by the agent. Again, this does not in any way suggest communication between the agent and a mail client system that can retrieve the messages.

For all of the above reasons, every limitation of claim 1 would not be taught or otherwise rendered obvious by the combination of Wang and Bulfer, as cited by the Examiner. Therefore, a *prima facie* case of obviousness can not be made and claim 1 is patentable over the prior art of record. Further, since claims 2-6 depend from claim 1, they are patentable for the same reasons.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any fees resulting from this communication, please charge same to our
Deposit Account No. 16-0820, our Order No. NGB 32911US1.

Respectfully submitted,
PEARNE & GORDON, LLP

By: /Aaron A. Fishman/
Aaron A. Fishman – Reg. No. 44,682

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

July 9, 2007